

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 587 of 1996

with

SP.CRIM.APPLICATIONS NOS. 820 TO 859 AND 901 TO 941 of
1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

A B GARWARE & OTHERS

Versus

GUJARAT FERTILIZERS CO LTD

Appearance:

MR.A.D.SHAH with MR.ATUL H.MEHTA FOR PETITIONERS IN ALL THE PETITIONS.

MR.NITIN AMIN with MR.S.N.SHELAT, ld.Addl.Advocate General FOR THE COMPLAINANT - RESPONDENT NO.1 IN ALL THE PETITIONS

MR.D.N.PATEL, APP with MR.M.R.ANAND, PP FOR THE STATE IN ALL THE PETITIONS.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 02/08/96

ORAL COMMON JUDGEMENT

1. After some hearing of the matters Mr.A.D. Shah, learned Counsel appearing for the petitioners in all these cases prays for withdrawal of these petitions with liberty to move an application before the learned Chief Judicial Magistrate, Baroda and to take all the contentions which have been taken in these petitions before the learned Chief Judicial Magistrate. He also submits that the order passed by the learned Addl.Sessions Judge in respective criminal Revision Applications must not come in the way of the petitioners in making such applications before the learned Chief Judicial Magistrate. He finally prays for the petitioners No.1 to 12 being granted exemption till the application is decided by the learned Chief Judicial Magistrate.

2. In view of the decision contained in the case of K.M.MATHEW V/S. STATE OF KERALA & ANR., reported in AIR 1992 S.C. 2206, the petitioners are permitted to withdraw all these petitions in order to enable them to move an application as aforesaid and as and when such application is preferred the same shall be expeditiously dealt with and decided in accordance with law by the learned Chief Judicial Magistrate. It is needless to say that the learned Chief Judicial Magistrate will take his decision on the applications moved by the petitioners as aforesaid strictly on merits and without being influenced by the order passed by the learned Addl. Sessions Judge in the Criminal Revision Applications. The petitioners shall prefer such application within a period of two weeks from today and the said application shall be heard and decided by the learned Chief Judicial Magistrate as expeditiously as possible, preferably within a period of two months from the date of filing of the application. It is made clear that the petitioners No.1 to 12 are permitted to enjoy exemption from appearance before the learned Chief Judicial Magistrate till the aforesaid application is decided.

In view of what is stated above Rule is discharged in all the matters. Interim relief vacated.

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